

## **Senate Bill No. 1285**

### **CHAPTER 711**

An act to amend Section 5096.501 of, and to add Sections 5096.517 and 5096.518 to, the Public Resources Code, relating to state lands.

[Approved by Governor September 30, 2008. Filed with  
Secretary of State September 30, 2008.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 1285, Corbett. Resource conservation lands: acquisition.

Existing law authorizes various agencies to acquire land for purposes related to conservation. Existing law requires an acquisition agency, as defined, prior to approving the acquisition of conservation land, as defined, where an agency proposes to spend more than \$25,000,000 of state funds, to contract for at least one independent appraisal of the fair market value of the land. Existing law defines "acquisition agency" as the Wildlife Conservation Board or the State Coastal Conservancy and defines "conservation lands" as land or an interest therein to be acquired by an acquisition agency, or that is owned by the state and under the jurisdiction of the Wildlife Conservation Board, the State Coastal Conservancy, the Department of Fish and Game, or the Department of Parks and Recreation.

This bill would instead define "acquisition agency" as the Wildlife Conservation Board, the Department of Parks and Recreation, or a state conservancy. The bill would revise the definition of "conservation lands" to delete the requirement that the land owned by the state be under the jurisdiction of the Wildlife Conservation Board, the State Coastal Conservancy, the Department of Fish and Game, or the Department of Parks and Recreation.

This bill would require the Department of General Services to convene a workgroup to develop and adopt standards, subject to the approval of the Resources Agency, with respect to the acquisition of conservation lands concerning the appraisal process, availability of appraisal information, and valuation for purposes of a charitable contribution. The bill would require that the workgroup not exceed 6 members and that it include representatives from the Department of Parks and Recreation, the Wildlife Conservation Board, the State Coastal Conservancy, and one or more other state conservancies with land acquisition responsibilities. The bill would require the workgroup to hold a public hearing to solicit public comments before adopting the standards.

The bill would require the Department of General Services and the workgroup, by January 1, 2010, in developing standards for the appraisal of resource conservation acquisitions, including both direct and state-funded grant acquisitions, to consider specified subjects.

The bill would require a seller claiming a charitable contribution that is over \$5,000 on conservation lands acquired using state funds to follow certain procedures to substantiate the value of the charitable contribution claimed by the seller.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5096.501 of the Public Resources Code is amended to read:

5096.501. For purposes of this chapter, the following terms have the following meanings:

(a) "Acquisition agency" means the Wildlife Conservation Board, the Department of Parks and Recreation, or a state conservancy.

(b) "Conservation lands" means any land or interest therein to be acquired by an acquisition agency, or that is owned by the state.

(c) "Major acquisition" means an acquisition where an agency proposes to spend more than twenty-five million dollars (\$25,000,000) of state funds.

SEC. 2. Section 5096.517 is added to the Public Resources Code, to read:

5096.517. (a) The Department of General Services shall convene a workgroup to develop and adopt standards, subject to the approval of the Resources Agency, with respect to the acquisition of conservation lands. The workgroup shall not exceed six members and shall include, but not be limited to, representatives from all of the following:

(1) The Department of Parks and Recreation.

(2) The Wildlife Conservation Board.

(3) The State Coastal Conservancy and one or more other state conservancies with land acquisition responsibilities.

(b) The workgroup shall hold a public hearing to solicit public comments prior to the adoption of standards pursuant to subdivision (a).

(c) In developing standards for the appraisal of resource conservation acquisitions, including both direct and state-funded grant acquisitions, the Department of General Services and the workgroup shall consider, by January 1, 2010, all of the following:

(1) Qualifications of the appraiser, including, but not limited to, all of the following:

(A) The appraiser shall not engage in any appraisal activity in connection with the purchase, sale, transfer, financing, or development of real property if his or her compensation is dependent on or affected by the value determined by the appraisal.

(B) The appraiser shall be appropriately licensed by the Office of Real Estate Appraisers pursuant to Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code.

(C) The appraisal shall be performed pursuant to the Uniform Standards of Professional Appraisal Practice.

(D) Any additional qualifications regarding education, certification, and years of experience deemed to be necessary by the Department of General Services and the workgroup.

(E) This paragraph does not limit the ability of a public agency to award a contract based on appraiser qualifications, including designations, experience, and other factors deemed necessary to perform an appraisal on a specific assignment, that exceed the qualifications of this paragraph.

(2) Appraisal methodology to be used.

(3) Scope of the analysis and level of information provided in the appraisal report, including, but not limited to, both of the following:

(A) Verifiable data on the development potential of the land, such as what would be required for a development project to proceed.

(B) Reports documenting suspected environmental contamination.

(4) Reference to comparable government and conservation transactions when available.

(5) Age of the appraisal or appraisal update to be reviewed by the department to keep an appraisal from being over one and one-half years old.

(6) Appraisal of conservation easements, using the information from the “Valuation of Conservation Easements Certificate Program” created by members of the Appraisal Foundation and the Land Trust Alliance as guidelines.

(7) Standards for the release of the appraisal review, including, but not limited to, both of the following:

(A) Guidelines to state resource agencies for public disclosure requirements.

(B) Improvement of the legislative notification process for better oversight, including, when requested by the Legislature, provision of a copy of the appraisal review for a major acquisition before the close of escrow.

SEC. 3. Section 5096.518 is added to the Public Resources Code, to read:

5096.518. For a charitable contribution claimed by a seller that is over five thousand dollars (\$5,000) on conservation lands acquired using state funds, in order to substantiate the amount of the charitable contribution deduction claimed by the seller pursuant to Part 10 (commencing with Section 17001) or Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code, both of the following requirements shall apply:

(a) The seller shall attach to his or her California personal income tax return a copy of an appraisal of the charitable contribution, in accordance with subdivision (b).

(b) The appraisal attached to the return shall be prepared by an appraiser licensed by the Office of Real Estate Appraisers pursuant to Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code and shall comply with the applicable requirements of the Revenue and Taxation Code and the Internal Revenue Code for purposes

of substantiating the amount of the contribution for California income and franchise tax purposes and federal income tax purposes.

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